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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4247 OF 2006

Shivaji More .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.Shyam K.Sthalekar for applicant

Mr.M.S.Mhambre, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 7th December 2006

P.C.

. The applicant has been arrested on 25th February 2006 by Charkop Police Station, in connection with C.R.No.21/2006.

2. Offences alleged are of abduction and rape. Applicant is the accused No.2. Accused No.1 is one Anandrao.

3. Accused No.1 is a Contractor who hires labourers for various projects that he undertakes and during the course of execution of one such project, he employed the husband of prosecutrix and the prosecutrix. On the relevant date, it is alleged that the husband of prosecutrix and the prosecutrix returned from the site to the temporary structure meant for their residence. Prosecutrix went to answer nature's call at about 7.30 p.m. in the evening and did not return back. The F.I.R. proceeds to narrate that when the prosecutrix was returning after answering nature's call, Anandrao, accused No.1 came on motorcycle. He told prosecutrix that she should accompany him as there is some urgent work. Prosecutrix narrates that, she accompanied him and was not taken to her residence but to another

distant place which was arranged by the present applicant - accused No.2. Present applicant after arranging for this place is alleged to have facilitated Anandrao in committing crime. His role is first that of arranging for the accommodation and, thereafter, locking the prosecutrix for three days till she was rescued by her family members.

4. Investigations are complete and charge sheet is filed. Matter has been committed to the Court of Sessions and the case is numbered as Sessions Case No.334 of 2006.

5. Application for enlarging the applicant - accused No.2 on bail was rejected on 23rd May 2006. That is how the present application.

6. After hearing both sides and perusing the application and annexures thereto, it appears that the apprehension is that the witnesses are all ladies including prosecutrix, there is every

likelihood that if the applicant is released on bail, he would threaten them and it would be, therefore, difficult for the prosecution to secure their presence for a fair and just trial. This apprehension can be taken care of as Mr.Sthalekar, after taking instructions, makes a statement that the applicant is ready and willing to stay outside Charkop Police Station limits till hearing and final disposal of the trial. Hence, following order:-

i) The applicant arrested in connection with C.R.No.21 of 2006 registered with Charkop Police Station shall be enlarged on bail in the sum of Rs.10,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant shall not reside within the limits of Charkop police station and will report to the

nearest police station to his new residence once a week on every Saturday between 5.00 p.m. and 7.00 p.m. till conclusion of the trial. The applicant shall not leave Mumbai without prior permission of the Trial Court.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution

witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)